

EXHIBIT 74

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOROTHY FORTH, DONNA BAILEY,
LISA BULLARD, RICARDO GONZALEZ,
CYNTHIA RUSSO, TROY TERMINE,
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 38
HEALTH AND WELFARE FUND,
INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 295-295C
WELFARE FUND, AND
STEAMFITTERS FUND LOCAL 439, on
Behalf of Themselves and All
Others Similarly Situated.

Civil No.
17-cv-02246

10 Plaintiffs,

11 vs.

12 WALGREEN CO.,

13 Defendant.

VIDEO DEPOSITION
of
CYNTHIA RUSSO
taken on behalf of Defendant

DATE: February 26, 2019

TIME: 9:34 a.m. to 2:56 p.m.

PLACE: Brinks Gilson & Lione
401 East Jackson Street, Suite 3500
Tampa, Florida 33602

BEFORE: Dawn A. Hillier, RMR, CRR, CLR
Notary Public - State of
Florida, at Large

JOB NO: 3195895

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1 APPEARANCES:

2 ATTORNEYS FOR PLAINTIFFS

3 JOSEPH S. TUSA, ESQUIRE

4 TUSA, P.C.

5 150 Motor Parkway, Suite 401

Happauge, New York 11788

6 613.407.5100

7 info@tpcnylaw.com

8 - and -

9 ERIC DWOSKIN, ESQUIRE

10 ROBBINS GELLER RUDMAN & DOWD, LLP

11 120 East Palmetto Park Road, Suite 500

12 Boca Raton, Florida 33432

13 561.750.3000

14 15 edwoskin@rgrdlaw.com

16 ATTORNEYS FOR DEFENDANT

17 MICHAEL S. LEIB, ESQUIRE

18 REED SMITH, LLP

19 10 S. Wacker Drive, Suite 4000

20 Chicago, Illinois 60606

21 312.207.1000

22 mleib@reedsmit.com

23 ALSO PRESENT:

24 Paul Singletary, Videographer

25

1 you were being asked?

2 A Um-hum. Yes.

3 MR. TUSA: Wait for him to finish.

4 BY MR. LEIB:

5 Q During either of these two meetings, was
6 anyone present other than lawyers?

7 A No.

8 Q Were these the only deposition preparation
9 sessions that you had with your counsel?

10 A Yes.

11 Q Other than the meeting with your counsel, did
12 you review any documents in preparation of this
13 deposition?

14 A No.

15 Q You referred to Babylon, New York. Do you
16 have a home in Babylon, or the area?

17 A We did.

18 Q You no longer do?

19 A No.

20 Q Where do you live now?

21 A Palm Harbor, Florida.

22 Q And what's your address?

23 A 656 Channing Drive.

24 Q And how long have you lived there?

25 A Almost 15 years.

1 Q The first time.

2 A Oh, several years ago. I looked and I said,
3 Well, I paid this much last time, but now I'm paying
4 this much, and I asked why.

5 Q Who did you ask?

6 A The pharmacist or the clerk.

7 Q At what store?

8 A I don't remember whether it was Walmart or
9 Walgreens. I'm not sure.

10 Q Do you remember what the pharmacist told you?

11 A The prices went up.

12 Q Let's look at Exhibit 4, which is the Second
13 Amended Complaint.

14 MR. TUSA: I think it's this one.

15 BY MR. LEIB:

16 Q If you turn to page 11. And feel free to take
17 off the clip again if it's going to be easier for you.

18 Do you see the second sentence of paragraph 26
19 says [as read]: Ms. Russo's purchased generic versions,
20 more than ten medications for personal use from
21 Walgreens in Florida between January 1st, 2012 and the
22 present.

23 A Yes.

24 Q Do you know the reason that your allegations
25 start from January 1st, 2012?

1 A Yes.

2 Q What is the reason?

3 A Because that's when the plan period starts,
4 January 1st.

5 Q Okay. Do you know why you're not alleging a
6 time period earlier than January 1st, 2012?

7 A Because Walgreens may not having my preferred
8 pharmacy at that time.

9 Q You did purchase -- from records, I can see
10 that there were purchases made from Walgreens from prior
11 to 2012.

12 A Right.

13 Q January 1st, 2012. Do you have any knowledge
14 as to why the allegations here start at January 1st,
15 2012, and not earlier?

16 A No.

17 Q Do you know when you went on Medicare, what
18 year it was?

19 A When I retired. So -- hold on. Let me count.
20 Sixty-six and '47 is...

21 I think two thou -- the beginning of 2012 or
22 2013.

23 Q If it was -- if it was when you were 66 --

24 A 66, it would be two thousand --

25 Q Thirteen.

1 BY MR. LEIB:

2 Q Sure. Was Walgreens your -- under your plan,
3 was Walgreens your preferred pharmacy in 2011?

4 A I don't know.

5 Q Do you have any idea, then, why you stopped
6 purchasing pharmaceuticals from Walgreens after
7 May 26th, 2011?

8 MR. TUSA: Objection to form.

9 You may answer.

10 THE WITNESS: If I stopped, it was because
11 they were not my preferred pharmacy.

12 BY MR. LEIB:

13 Q Did you change jobs at the end of May 2011?

14 A No, I don't think so, because I retired in
15 2011 -- 2012, so no.

16 Q So, that last job that you had, we talked
17 about it before --

18 A Right.

19 Q -- you had been there for a couple years;
20 right?

21 A Right.

22 Q When did you start at that last position?

23 A Two and a half years before I retired.

24 Q So, 2010, I think?

25 A Right.

1 Q And that's where the Sam's Club was in
2 Clearwater; correct?

3 A Um-hum.

4 THE VIDEOGRAPHER: Five minutes.

5 BY MR. LEIB:

6 Q Do you know why you started purchasing
7 prescriptions again from Walgreens in April 2013?

8 A I believe it was the preferred pharmacy for
9 the plan.

10 Q All right. I see in 2013, you only purchased
11 six prescriptions at Walgreens.

12 A Oh.

13 Q Do you see that?

14 A Oh, '13? Let me see what they were. I can
15 tell you, maybe.

16 MR. TUSA: Maybe use a straight edge to kind
17 of follow.

18 THE WITNESS: Yes. Let's try that.

19 MR. TUSA: Use this.

20 (Pause.)

21 THE WITNESS: It's possible also that I was
22 getting those from the mail order, the rest of them
23 from the mail order house.

24 BY MR. LEIB:

25 Q Well, these were specifically from Walgreens.

1 can't be a hundred percent sure.

2 Q How did you choose -- we know in 2014 you were
3 using Walgreens because it was your preferred pharmacy;
4 right?

5 A Yes.

6 Q And I believe you said you don't know if you
7 purchased from other pharmacies in 2014 other than
8 Walgreens. You're just not sure; correct?

9 A I'm pretty sure it was either Walmart -- I
10 mean Walgreens or the mail order.

11 Q Other than that year, how did you choose
12 between shopping at Walmart for prescription drugs or
13 CVS or mail order?

14 A I would check -- I would find the correct --
15 the plan I needed to be on and that's the plan I would
16 use and I would use the preferred pharmacy or the mail
17 order, according to that plan.

18 Q Would you always use the preferred pharmacy or
19 the mail order?

20 A If I -- if I could.

21 Q When would there be a circumstance where you
22 couldn't?

23 A If I was traveling.

24 Q I think you testified that, going back to the
25 purchases you made in 2013 at Walgreens, which is on the

1 THE WITNESS: This one.

2 MR. TUSA: Yeah.

3 BY MR. LEIB:

4 Q Do you see that after December 19, 2017, there
5 are no more purchases from Walgreens?

6 A Yes.

7 Q So, is it correct that you have not
8 purchased -- or you did not purchase prescription drugs
9 from Walgreens in 2018?

10 A No. I did not.

11 Q And have you purchased any prescription drugs
12 at Walgreens in 2019?

13 A No.

14 Q Do you know why you stopped purchasing
15 prescriptions at Walgreens after 2017?

16 A Yes.

17 Q And why is that?

18 A Because it's not my preferred pharmacy.

19 Q Your prescription drug plan changed?

20 A Yes.

21 Q Starting in January 2018, your prescription
22 drug plan changed?

23 A Yes.

24 Q So, is it fair to say that you no longer
25 purchase prescriptions at Walgreens?

1 A I do not.

2 Q And is it fair to say that you do not
3 anticipate purchasing any more prescriptions from
4 Walgreens?

5 MR. TUSA: Objection to form.

6 You may answer.

7 THE WITNESS: Unless my plan changes.

8 BY MR. LEIB:

9 Q At this point, you have no -- is it fair to
10 say that you have no reason to anticipate purchasing any
11 more prescription from Walgreens in 2019?

12 A I don't know.

13 Q You don't anticipate purchasing anything from
14 Walgreens in 2019 -- right? -- any prescription drugs?

15 A No, not right -- no. Not at this point.

16 Q I'm just going to rephrase the question and
17 make sure it's clear on the record.

18 A Okay.

19 Q Do you anticipate purchasing any prescription
20 drugs from Walgreens in 2019?

21 A No.

22 Q If we could just turn to the Second Amended
23 Complaint which is --

24 MR. TUSA: Michael, if this is going to be
25 another long line of questioning --

1 document.

2 MR. LEIB: I have no further questions. Thank
3 you for your time.

4 MR. TUSA: We have no questions. We reserve
5 the right to read and sign.

6 THE VIDEOGRAPHER: This is the end of --

7 MR. LEIB: Actually, before you go off. I do
8 want to say that if any additional documents are
9 produced, we reserve the right to request that
10 Ms. Russo sit to answer questions about those
11 additional documents.

12 I understand you might object to that.

13 MR. TUSA: Right. We can save that, but I
14 appreciate that.

15 THE VIDEOGRAPHER: This is the end of media
16 unit number two of the deposition of Cynthia Russo
17 and concludes the deposition taken on
18 26 February 2019. We're off the record at
19 2:56 p.m.

20 (The reading and signing of the deposition is
21 not waived.)

22 (At 2:56 p.m. the deposition was concluded.)

23

24

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1 CERTIFICATE OF OATH
2

3 STATE OF FLORIDA)
4 COUNTY OF HILLSBOROUGH)
5

6 I, the undersigned authority, certify that CYNTHIA
7 RUSSO personally appeared before me and was duly sworn.

8 WITNESS my hand and official seal this 6th day of
9 March, 2019.

10
11 
12

13 DAWN A. HILLIER, RMR, CRR, CLR
14 Notary Public - State of Florida
15 My Commission No.: GG 259309
16 Expires: 12-15-2022
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1 CERTIFICATE
2

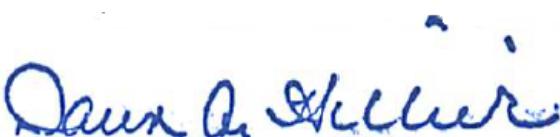
3 STATE OF FLORIDA)

4 COUNTY OF HILLSBOROUGH)

5 I, DAWN A. HILLIER, RMR, CRR, CLR certify that I
6 was authorized to and did stenographically report the
7 deposition of CYNTHIA RUSSO; that a review of the
8 transcript was requested; and that the transcript is a
9 true and complete record of my stenographic notes.

10
11 I further certify that I am not a relative,
12 employee, attorney, or counsel of any of the parties,
13 nor am I a relative or employee of any of the parties'
14 attorney or counsel connected with the action, nor am I
15 financially interested in the action.

16
17 DATED this 6th day of March, 2019.

18
19
20 

21 DAWN A. HILLIER, RMR, CRR, CLR
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